

***What Every Member of the
Trade Community Should Know About:***

Bona Fides Sales And Sales For Exportation



An Advanced Level
Informed Compliance Publication of the
U.S. Customs Service

Revised January, 2000

NOTICE:

This publication is intended to provide guidance and information to the trade community. It reflects the Customs Service's position on or interpretation of the applicable laws or regulations as of the date of publication, which is shown on the front cover. It does not in any way replace or supersede those laws or regulations. Only the latest official version of the laws or regulations is authoritative.

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PREFACE

On December 8, 1993, Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), also known as the Customs Modernization or “Mod” Act, became effective. These provisions amended many sections of the Tariff Act of 1930 and related laws.

Two new concepts that emerge from the Mod Act are “***informed compliance***” and “***shared responsibility***,” which are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the Mod Act imposes a greater obligation on Customs to provide the public with improved information concerning the trade community’s rights and responsibilities under the Customs and related laws. In addition, both the trade and Customs share responsibility for carrying out these requirements. For example, under Section 484 of the Tariff Act as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and determine the value of imported merchandise and to provide any other information necessary to enable Customs to properly assess duties, collect accurate statistics, and determine whether other applicable legal requirements, if any, have been met. The Customs Service is then responsible for fixing the final classification and value of the merchandise. An importer of record’s failure to exercise reasonable care could delay release of the merchandise and, in some cases, could result in the imposition of penalties.

The Office of Regulations and Rulings has been given a major role in meeting Customs informed compliance responsibilities. In order to provide information to the public, Customs has issued a series of informed compliance publications, and videos, on new or revised Customs requirements, regulations or procedures, and a variety of classification and valuation issues.

The Value Branch, International Trade Compliance Division of the Office of Regulations and Rulings has prepared this publication on ***Bona Fide Sales and Sales for Exportation*** as part of a series of informed compliance publications regarding the classification and valuation of imported merchandise. We sincerely hope that this material, together with seminars and increased access to Customs rulings, will help the trade community to improve, as smoothly as possible, voluntary compliance with Customs laws.

The material in this publication is provided for general information purposes only. Because many complicated factors can be involved in customs issues, an importer may wish to obtain a ruling under Customs Regulations, 19 CFR Part 177, or to obtain advice from an expert who specializes in customs matters, for example, a licensed customs broker, attorney or consultant. Reliance solely on the information in this pamphlet may not be considered reasonable care.

Comments and suggestions are welcomed and should be addressed to the Assistant Commissioner at the Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

Stuart P. Seidel,
Assistant Commissioner
Office of Regulations and Rulings

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INTRODUCTION

When goods are imported into the Customs Territory of the United States (the fifty states, the District of Columbia and Puerto Rico), they are subject to certain formalities involving the U.S. Customs Service. In almost all cases, the goods are required to be “entered,” that is, declared to the Customs Service, and are subject to detention and examination by Customs officers to insure compliance with all laws and regulations enforced or administered by the United States Customs Service. As part of the entry process, goods must be “classified” (determined where in the U.S. tariff system they fall) and their value must be determined. Pursuant to the Customs Modernization Act, it is now the responsibility of the importer of record to use “reasonable care” to “enter,” “classify,” and “value” the goods and provide any other information necessary to enable the Customs Service to properly assess duties, collect accurate statistics, and determine whether all other applicable legal requirements are met.

Under the authority of 19 U.S. Code §1500(a), it is Customs responsibility to fix the final appraisement of merchandise in accordance with 19 U.S. Code §1401a. This occurs after the importer of record, using reasonable care, has filed the declared value with the U. S. Customs Service. Customs informed compliance publication *“What Every Member of the Trade Community Should Know About: Customs Value”* (Revised December, 1999) discusses the methods of appraisement used in the United States. This publication concentrates on ascertaining whether there has been a *bona fide* sale and a sale for exportation for purposes of determining transaction value.

How is imported merchandise appraised?

All merchandise imported into the United States is subject to appraisement. The Trade Agreements Act of 1979 (“the TAA”), codified at 19 U.S.C. 1401a, sets forth the rules for appraisement of imported merchandise. Pursuant to the TAA, the preferred method of appraisement is **transaction value**. For further information see the informed compliance publication *“What Every Member of the Trade Community Should Know About: Customs Value,”* (Revised December, 1999).

What is transaction value?

The transaction value of imported merchandise is the price actually paid or payable for merchandise when sold for exportation to the United States, plus certain statutorily enumerated additions.

What is the price actually paid or payable?

The price actually paid or payable for imported merchandise is the total payment, exclusive of any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation in the United States, made, or to be

made, for imported merchandise by the buyer to, or for the benefit of, the seller.

What is the relevance of a *bona fide* sale and sale for exportation ?

Transaction value, by definition, requires that a sale for exportation to the United States occur. Customs separates this concept into two components: *bona fide*, or “good faith,” sales and sales for exportation. If it is shown that both a *bona fide* sale and sale for exportation occurred, this component of transaction value is met and Customs would not be precluded from appraising merchandise based on transaction value.

What is a “sale?”

Customs defines the term “sale,” as the transfer of property from one party to another for consideration.

What is consideration?

With regard to sales transactions, consideration means payment from one party to another for the imported merchandise. Evidence to establish that consideration has passed includes evidence of payment by check, bank transfer, or payment by any other commercially acceptable manner. Furthermore, it also is necessary to demonstrate that payment was made for the imported merchandise; general transfers of money from one corporate entity to another which cannot be linked to a specific import transaction are not sufficient to show passage of consideration.

What factors are determinative of a *bona fide* sale?

Although several factors may indicate whether a *bona fide* sale has taken place between a potential buyer and seller of imported merchandise, no single factor is determinative. Rather, the relationship is to be evaluated by an overall view of the entire situation, with the result in each case governed by the facts and circumstances of the individual case.

What factors indicate whether property or ownership was transferred?

In determining whether property or ownership has been transferred, Customs considers whether the potential buyer has assumed the risk of loss (*i.e.*, is liable for goods when lost or damaged during shipment) and acquired title to (*i.e.*, legally possesses or owns) the imported merchandise. In addition, Customs may examine whether the potential buyer paid for the goods (*i.e.*, consideration passed between the parties). Regardless as to whether property or ownership is transferred, transactions involving goods which are shipped on consignment do not constitute *bona fide* sales.

What role does possession play in determining whether property or ownership was transferred?

While possession serves as a strong indication that property or ownership has been transferred, Customs still may find that the potential buyer assumed the risk of loss and/or acquired title although the buyer never had actual possession of the goods.

What significance is afforded to shipping terms?

In situations where no other pertinent evidence has been made available, Customs may reach its determination concerning a *bona fide* sale based on the terms of sale (e.g., FOB, CIF, Ex-Factory), indicating when title and risk of loss are transferred. Otherwise, the terms of sale will be considered as part of the overall view of the entire situation in conjunction with all other relevant evidence. Customs primarily will consider as controlling the terms of sale provided on the invoices and written contracts or agreements regarding the sale of the merchandise. The meaning of all such shipping terms will be construed consistent with "Incoterms 2000," unless the transacting parties demonstrate through contracts, other legally enforceable agreements, or course of dealing, that they have afforded different meanings to the terms.

What is the relevance as to whether a contract is a "shipment" or "destination" contract?

Whether the applicable contract between the transacting parties is a "shipment" or "destination" contract may indicate when, based on the terms of sale, title and risk of loss pass from the seller to the buyer. FOB point of shipment contracts and CIF, C&F, and other "C" term contracts are "shipment" contracts while FOB place of destination contracts are "destination" contracts (e.g., FOB San Francisco), unless otherwise agreed by the parties. Title and risk of loss generally are understood to pass from the seller to the buyer in "shipment" contracts when the merchandise is delivered to the carrier for shipment and in "destination" contracts when the merchandise is delivered to the named destination.

When does a simultaneous passage of title occur and what does it indicate about the transfer of title?

Particularly in situations where merchandise is shipped directly from the seller to the ultimate consignee, as opposed to being shipped from the seller to the intermediary and then to the ultimate consignee, the terms of sale may indicate that a simultaneous passage of title occurred. In other words, based on the shipping terms title and risk of loss pass from the seller to the intermediary, then immediately thereafter from the intermediary to the ultimate consignee. Consequently, the intermediary is considered to hold title only momentarily, if ever, and not to bear the risk of loss according to the terms of sale. Based solely on the shipping terms, a *bona fide* sale would not appear to exist between the seller and intermediary. However, in determining whether a *bona fide* sale

occurs, Customs will consider other pertinent evidence or documentation if made available.

EXAMPLE:

Invoices and contracts between the parties provide for the FOB shipment of goods between the seller in country X and intermediary in country Y and for CIF shipment between the intermediary and ultimate consignee in the U.S. The submitted documents also indicate the goods were shipped directly from country X to the U.S.

Unless otherwise agreed by the parties, both the FOB and CIF contracts represent “shipment” contracts. Thus, title and risk of loss will be considered to pass from the seller to the intermediary when the merchandise was delivered to the carrier for shipment, then immediately thereafter from the intermediary to the ultimate consignee. Hence, based on the shipping terms, a *bona fide* sale would not appear to exist between the seller and intermediary, but rather between the seller and U.S. ultimate consignee, with the intermediary potentially serving as an agent. However, if available, it would be appropriate to consider other pertinent evidence or documentation concerning the *bona fides* of the sale.

What other factors indicate that a *bona fide* sale has occurred?

In determining whether a *bona fide* sale has occurred, Customs also will consider whether, in general, the roles of the parties and circumstances of the transaction indicate that the parties were functioning as buyer and seller. While it is characteristic of a buyer-seller relationship for the parties to maintain an independence in their dealings, in a principal-agent relationship the former will control the actions of the latter. Specifically, Customs considers as evidence of a buyer-seller relationship whether the potential buyer:

- a. provided (or could provide) instructions to the seller;
- b. was free to sell the items at any price he or she desired;
- c. selected (or could select) his or her own customers without consulting the seller; and
- d. could order the imported merchandise and have it delivered for his or her own inventory.

The fact that a potential buyer cannot assume such tasks is an indication that the party is serving as an agent. For further information concerning principal-agent relationships see the informed compliance publication “*What Every Member of the Trade Community Should Know About: Buying and Selling Commissions*,” (Revised January, 2000).

What evidence or documentation, other than shipping terms, indicates whether a *bona fide* sale has occurred?

Contracts, distribution and other similar agreements, invoices, purchase orders, bills of lading, proof of payment, correspondence between the parties, and company reports or brochures all may serve as evidence that a party possesses title and risk of loss and functions as a buyer/seller, indicating that a *bona fide* sale occurs. Such documentation should be consistent in its entirety and with the transaction in general (*i.e.*, consistent prices, dates, parties and merchandise). Further, the documentation and language included therein should reveal the substance of the transaction, including the obligations and roles of the parties. While formal sales contracts and other types of memorialized agreements (such as distribution or production agreements) generally are most revealing in this regard, other documentation (such as purchase orders, invoices, and proof of payment) evincing the structure of the transaction are crucial, especially in the absence of any written agreements. The terminology utilized in such agreements and documentation, *i.e.*, “buyer,” “seller,” “principal,” or “agent,” although indicative, is not dispositive of the parties' roles.

When does an inquiry concerning a sale for exportation become relevant?

Once it has been established that a *bona fide* sale occurred, the law requires that such sale be for exportation to the United States.

If more than one *bona fide* sale occurs, how is transaction value determined?

Customs presumes that an importer's declared value is based on the price paid by that importer and that transaction value shall be based on that price. Therefore, in situations where the importer is the middleman, transaction value generally is based on the manufacturer's price to the importer. However, in situations where the importer is not the middleman, but the importer requests appraisal based on the manufacturer's price, it is the importer's responsibility to show that the manufacturer's price is acceptable in accordance with *Nissho Iwai American Corporation v. United States*, 16 CIT 86, 786 F. Supp. 1002 (1992) *rev'd* 982 F.2d 505 (Fed. Cir. 1992). Without such evidence, transaction value will be based on the middleman's price to the importer.

When does a party serve as a “middleman” to a transaction?

When at least two *bona fide* sales occur and the same party serves as a buyer (usually from a foreign manufacturer) as well as a seller (usually to a U.S. importer or consignee) in a particular transaction, that party is considered a “middleman.” Depending on the manner in which a transaction is structured, the importer of record, consignee, or any other type of buyer/seller, even if in the U.S., may be a middleman.

Where a transaction consists of more than two sales, generally there will be several middlemen.

When is the manufacturer's price acceptable in accordance with *Nissho Iwai*?

The *Nissho Iwai* decision, which involved a three tiered distribution system with four parties, is relevant not only in determining whether a sale was clearly destined for export to the U.S., but also in determining whether transaction value appropriately is based on a manufacturer's price, rather than a middleman's price. In *Nissho Iwai*, the New York City Metro Transit Authority (MTA) contracted to purchase subway cars from Nissho Iwai American Corporation (Nissho America). The contract between the MTA and Nissho America represented the highest price among the various transactions. Kawasaki Industries of Japan (Kawasaki) and Nissho Iwai Corporation of Japan (Nissho Japan) participated in negotiations and a bid proposal with the MTA. Nissho Japan purchased cars from Kawasaki, the primary Japanese manufacturer. Pursuant to the master contract, Kawasaki provided a warranty of performance to the MTA and Nissho America. As permitted by the contract, Nissho America assigned its contract rights to Nissho Japan. The issue before the courts was whether transaction value was appropriately based on the Kawasaki-Nissho Japan sales price or the MTA-Nissho America price reflected in the master contract.

The court provided that the manufacturer's price was valid as long as the transaction between the manufacturer and the middleman was a sale negotiated at "arm's length" free from any non-market influences and involved goods "clearly destined for export to the U.S." This presupposes that *bona fide* sales occurred and the use of transaction value is not otherwise precluded pursuant to the valuation law (e.g., restrictions on the disposition or use of the merchandise; conditions or considerations for which a value cannot be determined; lack of sufficient information concerning an enumerated statutory addition to the price actually paid or payable, etc.). Based on the evidence presented in *Nissho Iwai*, the court found transaction value appropriately to be based on the Kawasaki-Nissho Japan sales price.

What is the relevance as to whether a sale is conducted at "arm's length" and is "clearly destined for export to the U.S.?"

If a sale is not conducted at "arm's length" or not "clearly destined for export to the U.S.," it cannot serve as the basis for transaction value.

When is a sale considered to have been conducted at "arm's length?"

In general, Customs will consider a sale between unrelated parties to have been conducted at "arm's length." However, if the parties are related, a sale will be considered "arm's length" if an examination of the circumstances of the sale of the imported merchandise indicates that the relationship between the buyer and seller did not influence the price actually paid or payable or if the transaction value closely

approximates a test value. For further information see "Transfer Pricing; Related Party Transactions" 58 FR 5445 (January 21, 1993).

When is a sale clearly destined for export to the U.S.?

Although such a determination can only be made on a case-by-case basis, Customs will consider a sale to be clearly destined for export to the U.S. based on evidence such as invoices, contracts and purchase orders; shipping contracts or other documentation; manufacture, design, and other unique specifications or characteristics of the merchandise (often manifest in samples) made in conformity with the buyer's standards; labels, logos, stock numbers, bar codes and other unique marks; and marking, visas, warranties or other types of certification or characteristics required for entry or operation in the U.S. As evidence that a sale was clearly destined for export to the U.S., the submitted documentation should comprise a complete paper trail, showing the structure of the entire transaction. Such a paper trail likewise supports the initial finding that a *bona fide* sale occurred.

What documentary evidence is needed to establish that transaction value is properly based on a sale not involving the importer?

19 U.S.C. §1484, as amended, provides that an importer shall, using reasonable care, complete the entry by filing with the Customs Service the declared value.. and such other documentation or, pursuant to an electronic data interchange system, such other information as is necessary to enable the Customs Service to properly assess duties on the merchandise. This would include sufficient information to enable Customs to determine in a multi-tiered arrangement which is the sale for exportation to the U.S. upon which transaction value is properly based. Accordingly before an importer declares a value based on a transaction to which it is not a party, the importer should be satisfied that such transaction meets the criteria discussed above and be prepared to submit supporting evidence as described in General Notice (T.D. 96-87), *Determining Transaction Value in Multi-Tiered Transactions*, Vol. 30/31, *Customs Bulletin* No. 52/1 (January 2, 1997). An importer who declares a value to Customs without the necessary supporting documentation would not be exercising reasonable care and may be subject to penalty or other enforcement compliance action.

ADDITIONAL INFORMATION

The Internet

The U. S. Customs Service's home page on the Internet's World Wide Web, provides the trade community with current, relevant information regarding Customs operations and items of special interest. The site posts information -- which includes proposed regulations, news releases, Customs publications and notices, etc. -- that can be searched, read on-line, printed or downloaded to your person computer. The web site was established as a trade-friendly mechanism to assist the importing and exporting community. The web site links to the Customs Electronic Bulletin Board (CEBB), an older electronic system on which Customs notices and drafts were posted. After December, 1999 the CEBB will be only accessible through the web site. The web site also links to the home pages of many other agencies whose importing or exporting regulations Customs helps to enforce. Customs web site also contains a wealth of information of interest to a broader public than the trade community -- to international travelers, for example.

The Customs Service's web address is <http://www.customs.gov>.

Customs Regulations

The current edition of *Customs Regulations of the United States* is a loose-leaf, subscription publication available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; telephone 202-512-1800. A bound, 1999 edition of Title 19, *Code of Federal Regulations*, which incorporates all changes to the Customs Regulations from April 1998 through March 1999, is also available for sale from the same address. All proposed and final regulations are published in the *Federal Register*, which is published daily by the Office of the Federal Register, National Archives and Records Administration, and distributed by the Superintendent of Documents. Information about on-line access to the *Federal Register* may be obtained by calling (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time. These notices are also published in the weekly *Customs Bulletin*, described below.

Customs Bulletin

The *Customs Bulletin and Decisions* ("*Customs Bulletin*") is a weekly publication that contains decisions, rulings, regulatory proposals, notices and other information of interest to the trade community. It also contains decisions issued by the U.S. Court of International Trade, as well as Customs-related decisions of the U.S. Court of Appeals for the Federal Circuit. Each year, the Government Printing Office publishes bound volumes of the Customs Bulletin. Subscriptions may be purchased from the Superintendent of Documents at the address and phone number listed above.

Importing Into the United States

This publication provides an overview of the importing process and contains general information about import requirements. The 1998 edition of *Importing Into the United States* contains much new and revised material brought about pursuant to the Customs Modernization Act ("Mod Act"). The Mod Act has fundamentally altered the relationship between importers and the Customs Service by shifting to the importer the legal responsibility for declaring the value, classification, and rate of duty applicable to entered merchandise.

The 1998 edition contains a new section entitled "Informed Compliance." A key component of informed compliance is the shared responsibility between Customs and the import community, wherein Customs communicates its requirements to the importer, and the importer, in turn, uses reasonable care to assure that Customs is provided accurate and timely data pertaining to his or her importations.

Single copies may be obtained from local Customs offices or from the Office of Public Affairs, U.S. Customs Service, 1300 Pennsylvania Avenue NW, Washington, DC 20229. An on-line version is available at the Customs web site. *Importing Into the United States* is also available for sale, in single copies or bulk orders, from the Superintendent of Documents by calling (202) 512-1800, or by mail from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7054.

Video Tapes

The Customs Service has prepared a series of video tapes in VHS format for the trade community and other members of the public. As of the date of this publication, four tapes are available and are described below.

If you would like more information on any of the tapes described below, or if you would like to order them, please send a written request to: U.S. Customs Service, Office of Regulations and Rulings, Suite 3.4A, 1300 Pennsylvania Avenue, NW, Washington, DC 20229, Attn: Operational Oversight Division. Orders must be accompanied by a *check or money order drawn on a U.S. financial institution* and made payable to U.S. Customs Service. Prices include postage.

- *Rules of Origin for Textiles and Apparel Products* is a two-hour tape aimed at increasing understanding of the new rules, which became effective July 1, 1996. Copies of this tape are available from many trade organizations, customs brokers, consultants and law firms, or it can be ordered from the U.S. Customs Service for \$20.00.
- *Customs Compliance: Why You Should Care* is a 30-minute tape divided into two parts. Part I, almost 18 minutes in length, is designed to provide senior executives and others in the importing or exporting business with an overview of

the significant features of the Customs Modernization Act and the reasons to adopt new strategies in order to minimize legal exposure under the Act.

Part II is intended primarily for import/export compliance officers, legal departments and company officers. About 12 minutes long, Part II explains why Customs and the trade can benefit from sharing responsibilities under Customs laws. It also provides viewers with legal detail on record keeping, potential penalties for noncompliance, and on the Customs prior-disclosure program. The cost is \$15.00.

- *Account Management: Team Building for World Trade*, a 13-½-minute tape on account management, discusses what account management is and why there is a need for it. Account Management is a new approach to working with the trade in which a company is treated as an account, rather than being dealt with on a transaction by transaction basis. The tape includes discussions with Customs account managers and representatives of importers (“accounts”) relating to the benefits of account management from the perspectives of the both the Customs Service and the trade community. The cost is \$15.00.
- *General-Order Warehousing: Rules for Handling Unclaimed Merchandise*, 90 minutes long, was prepared jointly by the Customs Service and the trade community on the subject of general-order merchandise (unclaimed goods). The tape includes question and answer discussions that define procedures required to implement the new general-order laws and regulations and why there is a need to have effective procedures for handling unclaimed goods. The cost is \$15.00.

Informed Compliance Publications

The U. S. Customs Service has prepared a number of Informed Compliance publications in the “*What Every Member of the Trade Community Should Know About*”: series. As of the date of this publication, the subjects listed below were available.

- ⁴ 1. Customs Value (15/96, ⁴Revised 12/99)
- ¹ 2. Raw Cotton: Tariff Classification and Import Quotas (5/13/96)
- ¹ 3. NAFTA for Textiles & Textile Articles (5/14/96)
- 4. Buying & Selling Commissions (16/96, Revised 1/2000)
- ¹ 5. Fibers & Yarn (8/96)
- ³ 6. Textile & Apparel Rules of Origin (110/96, Revised 11/98)
- ¹ 7. Mushrooms (10/96)
- ¹ 8. Marble (11/96)
- ¹ 9. Peanuts (11/96)
- 10. Bona Fide Sales & Sales for Exportation (111/96, Revised 1/2000)
- ² 11. Caviar (2/97)
- ² 12. Granite (2/97)
- ² 13. Distinguishing Bolts from Screws (5/97)

- ² 14. Internal Combustion Piston Engines (5/97)
- ² 15. Vehicles, Parts and Accessories (5/97)
- ² 16. Articles of Wax, Artificial Stone and Jewelry (8/97)
- ² 17. Tariff Classification (11/97)
- ² 18. Classification of Festive Articles (11/97)
- ³ 19. Ribbons & Trimmings (1/98)
- ³ 20. Agriculture Actual Use (1/98)
- ³ 21. Reasonable Care (1/98)
- ³ 22. Footwear (1/98)
- ³ 23. Drawback (3/98)
- ³ 24. Lamps, Lighting and Candle Holders (3/98)
- ³ 25. NAFTA Eligibility and Building Stone (3/98, Revised 12/98)
- ³ 26. Rules of Origin (5/98)
- ³ 27. Records and Recordkeeping Requirements (6/98)
- ³ 28. ABC's of Prior Disclosure (6/98)
- ³ 29. Gloves, Mittens and Mitts (6/98)
- ³ 30. Waste & Scrap under Chapter 81 (6/98)
- ³ 31. Tableware, Kitchenware, Other Household Articles and Toilet Articles of Plastics (11/98)
- ³ 32. Textile & Apparel Rules of Origin Index of Rulings (11/98)
- ⁴ 33. Knit to Shape Apparel Products (1/99)
- ⁴ 34. Hats and Other Headgear (under HTSUS 6505) (3/99)
- ⁴ 35. Customs Enforcement of Intellectual Property Rights (6/99)
- ⁴ 36. Classification of Children's Apparel (6/99)
- ⁴ 37. Accreditation of Laboratories and Gaugers (9/99)
- ⁴ 38. Classification of Sets (9/99)
- ⁴ 39. Marking Requirements for Wearing Apparel (9/99)
- ⁴ 40. Fiber Trade Names & Generic Terms (11/99)
- ⁴ 41. NAFTA Country of Origin Rules for Monumental & Building Stone (12/99)
- 42. Diodes, Transistors & Similar Semiconductor Devices (1/2000)
- 43. Soldering and Welding Machines and Apparatus (1/2000)
- 44. Cane and Beet Sugar (Quota, Classification & Entry) (1/2000)

■ indicates publications which are, or will be, available for downloading from the Customs Electronic Bulletin Board or through Customs Home Page on the Internet: <http://www.customs.gov>;

¹ denotes reprinted in 30/31 *Customs Bulletin No.50/1*, January 2, 1997;

² denotes reprinted in 32 *Customs Bulletin No.2/3*, January 21, 1998;

³ denotes reprinted in 32 *Customs Bulletin No. 51*, December 23, 1998.

⁴denotes reprinted in 33 *Customs Bulletin No. 51*, December 22, 1999

Check the Customs Electronic Bulletin Board and the Customs Internet website for more recent publications.

Value Publications

Customs Valuation under the Trade Agreements Act of 1979 is a 96-page book containing a detailed narrative description of the customs valuation system, the customs valuation title of the Trade Agreements Act (§402 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (19 U.S.C. §1401a)), the Statement of Administrative Action which was sent to the U.S. Congress in conjunction with the TAA, regulations (19 CFR §§152.000-152.108) implementing the valuation system (a few sections of the regulations have been amended subsequent to the publication of the book) and questions and answers concerning the valuation system. A copy may be obtained from the U.S. Customs Service, Office of Regulations and Rulings, Value Branch, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

Customs Valuation Encyclopedia (with updates) is comprised of relevant statutory provisions, Customs Regulations implementing the statute, portions of the Customs Valuation Code, judicial precedent, and administrative rulings involving application of valuation law. A copy may be purchased for a nominal charge from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7054. This publication is also available on the Customs Service Internet website.

The information provided in this publication is for general information purposes only. Recognizing that many complicated factors may be involved in customs issues, an importer may wish to obtain a ruling under Customs Regulations, 19 CFR Part 177, or obtain advice from an expert (such as a licensed Customs Broker, attorney or consultant) who specializes in Customs matters. Reliance solely on the general information in this pamphlet may not be considered reasonable care.

Additional information may be also be obtained from Customs ports of entry. Please consult your telephone directory for a Customs office near you. The listing will be found under U.S. Government, Treasury Department.

“Your Comments are Important”

The Small Business and Regulatory Enforcement Ombudsman and 10 regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement activities and rate each agency’s responsiveness to small business. If you wish to comment on the enforcement actions of U.S. Customs, call 1-888-REG-FAIR (1-888-734-3247).

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